

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. BANK NATIONAL ASSOCIATION,
as securities intermediary,

Plaintiff,

v.

PHL VARIABLE INSURANCE COMPANY,

Defendant.

C.A. No. 13-368-GMS

ORDER

WHEREAS, on August 2, 2012, Lima LS plc filed a complaint in the United States District Court for the District of Connecticut against the defendant, PHL Variable Insurance Company (“PHL”), certain entities alleged to be the parent companies of PHL, and individuals alleged to have been involved in the conduct relating to insurance policies at issue therein (*Lima LS plc v. PHL Variable Life Insurance Company*, Case No. 3:12-CV-1122 (D. Conn.), D.I. 1);

WHEREAS, on May 16, 2013, the plaintiff, U.S. Bank National Association (“U.S. Bank”),¹ filed an Amended Complaint (D.I. 9) against PHL in the above captioned case asserting four claims: (1) breach of contract; (2) breach of the implied covenant of good faith and fair dealing, (3) violations of the Connecticut Unfair Trade Practices Act, and (4) seeking declaratory relief²;

WHEREAS, on June 3, 2013, PHL filed a Motion to Dismiss First Amended Complaint (D.I. 11), which requested that the court dismiss, stay, or transfer the action in its entirety to the

¹ According to the Amended Complaint, “Lima LS plc [is] the general partner of Lima Acquisition LP,” and U.S. Bank “is the securities intermediary for Lima Acquisition LP.” (D.I. 9, ¶ 24.) As such, the same real parties in interest, Lima Acquisition LP and PHL, are named in the Connecticut and Delaware actions.

² U.S. Bank filed its initial complaint against PHL on March 6, 2013. (D.I. 1.)

District of Connecticut, or in the alternative, dismiss counts two through four of the Amended Complaint for failure to state a claim;

WHEREAS, having considered the parties' positions as set forth in their papers, the pleadings, as well as the applicable law;

IT IS HEREBY ORDERED that:

1. PHL's Motion to Dismiss First Amended Complaint (D.I. 11) is GRANTED-IN-PART; and
2. The above-captioned action is transferred to the U.S. District Court for the District of Connecticut.

Date: April 22, 2014



CHIEF UNITED STATES DISTRICT JUDGE